



Patent US 200C3
Attorney Docket No. 032,290-008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FULTON, III, et al.

Serial No.: 09/996,878

Filed: 11/30/2001

For: **BIOPSY LOCALIZATION METHOD
AND DEVICE**

Group Art Unit: 3736

Examiner: Brian S. Szmal

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97–1.98, information relating to the above-identified application is hereby disclosed. The accompanying Form PTO-1449 provides a listing of documents that may be relevant to the subject application.

It is requested that the Examiner fully consider the art cited in the accompanying Form 1449, initial the left-most column of the form adjacent each cited reference, and return a copy for Applicants' records. It is further requested that the art be cited on the cover of any patent issuing from the subject application.

CERTIFICATE OF MAILING (37 C.F.R. §1.8a)

I hereby certify that I have reasonable basis to expect and believe that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

February 8, 2005

Date of Deposit

Cynthia B. Pacheco
Cynthia B. Pacheco

In accordance with §1.98(d), copies of some or all of the references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the Patent and Trademark Office in one or more of the prior U.S. Applications: U.S.

Application No. 09/900,801, filed on July 6, 2001, issued as U.S. Patent No. 6,699,205; U.S.

Application No. 09/366,360, filed on August 3, 1999, issued as U.S. Patent No. 6,260,458; U.S.

Application No. 09/285,329, filed April 2, 1999, issued as U.S. Patent No. 6,356,782; and U.S.

Application No. 08/858,389, filed May 19, 1997, issued as U.S. Patent No. 6,228,055.

Accordingly, Applicants will provide duplicate copies in respect of the present case only if the Examiner so desires.

Also, Applicants are attaching hereto a copy of the international search reports.

This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

This statement should not be construed as a representation that more material information does not exist or that an exhaustive search of the relevant art has been made. Nor does this statement constitute an admission by Applicants or Applicants' agent that the information provided herein is necessarily prior art to Applicants' invention. Moreover, Applicants reserve

the right to establish the patentability of the claimed invention over any of the listed documents should they be applied there—against as references. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-2862.

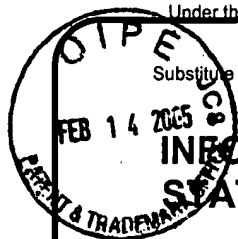
Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: 2/7/05

By Diane K. Wong
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(Use as many sheets as necessary)

Complete if Known

Application Number	09/996,878
Filing Date	November 30, 2001
First Named Inventor	FULTON
Art Unit	3736
Examiner Name	Szmal
Attorney Docket Number	032,290-008

Sheet	1	of	6
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U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	1.	us-3,818,894	06/1974	Wichterle, et al.	
	2.	us-3,976,071	08/1976	Sadek	
	3.	us-3,996,938	12/1976	Clark, III	
	4.	us-4,007,732	02/1977	Kvavle, et al.	
	5.	us-4,230,123	10/1980	Hawkins	
	6.	us-4,331,654	05/1982	Morris	
	7.	us-4,425,908	01/1984	Simon	
	8.	us-4,545,367	10/1982	Tucci	
	9.	us-4,608,965	09/1986	Anspach, Jr., et al.	
	10.	us-4,611,594	09/1986	Grayhack, et al.	
	11.	us-4,638,802	01/1987	Okada	
	12.	us-4,647,480	03/1987	Ahmed	
	13.	us-4,650,466	03/1987	Luther	
	14.	us-4,655,211	04/1987	Sakamoto, et al.	
	15.	us-4,682,606	07/1987	Decaprio	
	16.	us-4,693,237	09/1987	Hoffmon, et al.	
	17.	us-4,763,642	08/1988	Horowitz	
	18.	us-4,787,391	11/1988	Elefteriades	
	19.	us-6,427,081	07/2002	Burbank, et al.	
	20.	us-5,394,886	03/1995	Nabai	
	21.	us-4,838,280	06/1989	Haaga	
	22.	us-4,847,049	07/1989	Yamamoto	
	23.	us-4,907,589	03/1990	Cosman	
	24.	us-4,909,250	03/1990	Smith	
	25.	us-5,030,201	07/1991	Palestrant	
	26.	us-5,100,423	03/1992	Fearnot	
	27.	us-5,102,415	04/1992	Guenther, et al.	
	28.	us-5,108,421	04/1992	Fowler	

 Examiner
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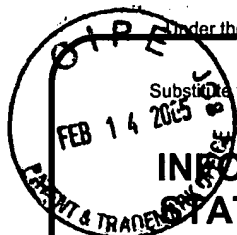
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet

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of

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Application Number	09/996,878
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First Named Inventor	FULTON
Art Unit	3736
Examiner Name	Szmal
Attorney Docket Number	032,290-008

U. S. PATENT DOCUMENTS

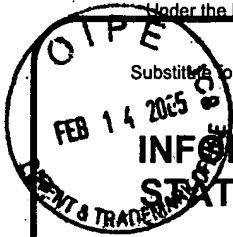
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	29.	us-5,183,463	02/1993	Debbas	
	30.	us-5,183,464	02/1993	Dubrul, et al.	
	31.	us-5,195,540	03/1993	Shiber	
	32.	us-5,236,410	08/1993	Granov, et al.	
	33.	us-5,281,408	08/1993	Unger	
	34.	us-5,282,781	02/1994	Liprie	
	35.	us-5,330,483	07/1994	Heaven, et al.	
	36.	us-5,334,381	08/1994	Unger	
	37.	us-5,342,283	08/1994	Good	
	38.	us-5,415,656	05/1995	Tihon, et al.	
	39.	us-5,422,730	06/1995	Barlow, et al.	
	40.	us-5,431,676	07/1995	Dubrul, et al.	
	41.	us-5,454,790	10/1995	Dubrul	
	42.	us-5,469,854	11/1995	Unger, et al.	
	43.	us-5,487,392	01/1996	Haaga	
	44.	us-5,494,030	02/1996	Swartz, et al.	
	45.	us-5,514,379	05/1996	Weissleder, et al.	
	46.	us-5,526,822	06/1996	Burbank, et al.	
	47.	us-5,549,560	08/1996	Von de Wijdeven	
	48.	us-5,634,883	06/1997	Chin, et al.	
	49.	us-5,636,255	06/1997	Ellis	
	50.	us-5,643,246	07/1997	Leeb, et al.	
	51.	us-5,643,282	07/1997	Kieturakis	
	52.	us-5,645,566	07/1997	Brenneman	
	53.	us-5,646,146	07/1997	Faarup, et al.	
	54.	us-5,656,297	08/1997	Bernstein, et al.	
	55.	us-5,676,925	10/1997	Klaveness, et al.	

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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

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Sheet **3** of **6**

Complete if Known

Application Number	09/996,878
Filing Date	November 30, 2001
First Named Inventor	FULTON
Art Unit	3736
Examiner Name	Szmal
Attorney Docket Number	032,290-008

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		Number-Kind Code ² (if known)			
	56.	us-5,670,161	09/1997	Healy	
	57.	us-5,688,490	11/1997	Tournier, et al.	
	58.	us-5,735,289	04/1998	Pfeffer, et al.	
	59.	us-5,792,157	08/1998	Mische, et al.	
	60.	us-5,794,626	08/1998	Kieturakis	
	61.	us-5,803,901	09/1998	Chin, et al.	
	62.	us-5,827,324	10/1998	Cassell, et al.	
	63.	us-5,902,310	05/1999	Foerster, et al.	
	64.	us-5,928,260	07/1999	Chin, et al.	
	65.	us-6,015,541	01/2000	Greff, et al.	
	66.	us-6,027,520	02/2000	Tsugita, et al.	
	67.	us-6,056,700	05/2000	Burney, et al.	
	68.	us-6,071,301	06/2000	Cragg, et al.	
	69.	us-6,136,014	10/2000	Sirimanne, et al.	
	70.	us-6,214,045	04/2001	Corbitt, Jr., et al.	
	71.	us-6,248,057	06/2001	Mavity, et al.	
	72.	us-6,270,464	08/2001	Fulton, III, et al.	
	73.	us-6,277,083	08/2001	Eggers, et al.	
	74.	us-6,312,429	11/2001	Burbank	
	75.	us-6,331,166	12/2001	Burbank	
	76.	us-6,214,045	04/2001	Corbitt, Jr., et al.	
	77.	us-6,352,682	03/2002	Leavitt, et al.	
	78.	us-6,356,782	03/2002	Sirimanne, et al.	
	79.	us-6,371,904	04/2002	Sirimanne	
	80.	us-6,656,200	12/2003	Li, et al.	
	81.	us-6,589,502	07/2003	Coniglione, et al.	
	82.	us-6,261,241	07/2001	Burbank, et al.	

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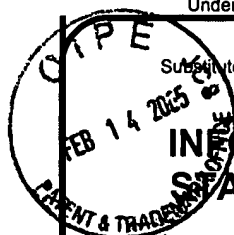
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Attorney Docket Number	Szmal

Sheet 4 of 6

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	83.	us-6,638,308	10/2003	Corbitt	
	84.	us-6,605,047	08/2003	Zarins	
	85.	us-6,699,205	03/2004	Fulton	
	86.	us-6,730,042	05/2004	Fulton	
	87.	us-20040210160	10/2004	Fulton	
	88.	us-20020016555	02/2002	Ritchard, et al.	
	89.	us-20010034528	10/2001	Foerster	
	90.	us-20020026201	02/2002	Foerster, et al.	
	91.	us-20020019640	02/2002	McGuckin, Jr.	
	92.	us-20020026234	02/2002	Li, et al.	
	93.	us-20020035324	03/2002	Sirimanne	
	94.	us-2002-0107437	08/2002	Sirimanne	
	95.	us-20020007130	01/2002	Coniglione, et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	96.	GB-2 132 091	07/1984			
	97.	DE-3 913 935	04/1989			
	98.	EP-0 481 685	10/1991			
	99.	WO-90/15576	12/1990	Research Corp. Tech.		
	100.	WO-93/14712	05/1993			
	101.	WO-95/20370	01/1995			
	102.	WO-96/08208	03/1996			
	103.	WO-98/06346	02/1998			
	104.	WO-98/47430	10/1998			
	105.	WO-93/19803	10/1993	Boston Scientific		
	106.	EP-0 146 699	07/1985			

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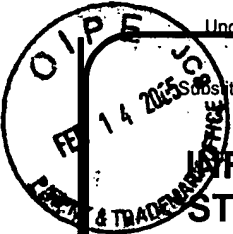
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	107.	us-20020193815	12/2002	Foerster	
	108.	us-20040049126	03/2004	Zarins	
	109.	us-20040049269	03/2004	Corbitt	
	110.	us-20040204660	10/2004	Fulton	
	111.	us-20040267155	12/2004	Fulton	
	112.	us-20050020916	01/2005	MacFarlane	

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	113.	EP-0 293 605	12/1988			
	114.	EP-0 350 043	04/1990	Palestrant		
	115.	EP-0 894 503	03/1999	Stinson		
	116.	EP-0 966 920	12/1999			
	117.	WO-00/12010	03/2000			
	118.	WO-00/38579	07/2000	Sirimanne		
	119.	WO-02/205717	01/2002			
	120.	WO-00/12009	03/2000			
	121.	EP-0 933 749	01/2002			
	122.	EP-0 534696	03/1993			
	123.	DE-4403789	08/1995	Schering		
	124.	DE-4330958	03/1995	Schering		
	125.	EP-0 769 281	04/1997	United States Surgical Corp		
	126.	FR-2714284	06/1995	Leriche		
	127.	GB-2020557	11/1979			

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